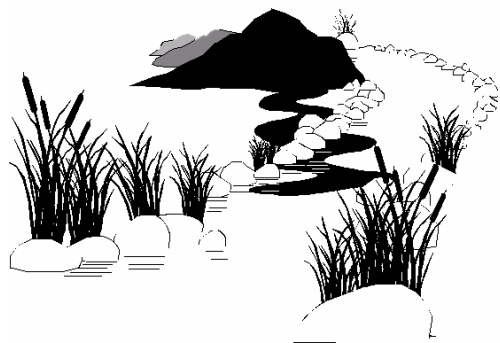


CHAPTER 1

GETTING STARTED

- Introduction
- Do I need a MDEQ permit – regulatory authority
- US Army Corps of Engineers jurisdiction
- Where to get an application
- Application Review Process
- Field staff review



CHAPTER 1: GETTING STARTED

Introduction

The Michigan Department of Environmental Quality (MDEQ) and United States Army Corps of Engineers (USACE) share an application form to ensure efficient permit processing. The MDEQ/USACE Joint Public Application (JPA) may seem overwhelming due to its size but it has been developed to make it easier for applicants to complete while also making it more resourceful to MDEQ and USACE staff. The information within the JPA is very important to help identify and classify the proposed projects and to make permitting decisions. At times the information necessary to determine the application's administrative completeness is missing or omitted, resulting in a Correction Request Letter being sent to the applicant and/or agent. This manual has been developed by the Land and Water Management Division (LWMD), Permit Consolidation Unit (PCU) to provide a guide on how to properly fill out the application and what information (including drawings) to provide with the submittal.

Throughout the guidebook various acronyms are used. Refer to Appendix A for a definition and further description of acronyms. Appendix E provides a glossary of terms used in the manual. Several websites are referred to in the manual, with a graphic showing how to link to specific topics. The first time that a link is referenced, a graphic of the web page(s) is provided. A graphic is not provided with each reoccurring reference to the same link. A complete set of graphics showing referenced web page links is provided in Appendix K.

- ☐ **Chapter 1** is an overview of the regulatory authority for issuing permits and the permit application review process
- ☐ **Chapter 2** reviews the parts of the application form, why the information is needed, and where required information can be found
- ☐ **Chapter 3** covers additional application reviews that may be necessary
- ☐ **Chapter 4** covers fees and documentation
- ☐ **Chapter 5** explains how to track the application progress and how to view Public Notices and Hearings on-line
- ☐ **Appendices A through F** are the same as in the application package and may include some additional information
- ☐ **Additional Appendices** provide additional guidance material

Do I need a permit from the MDEQ?

The JPA covers several parts of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) for projects located within the land and water interface, and administered by the LWMD. If a proposed project fits the criteria of any of the "Parts" listed below, then a permit is required. These Parts are described in Appendix D of the JPA, under "State Authority". Appendix D also provides a brief description of what types of activities would require a permit from the MDEQ, LWMD.

1. Part 301, Inland Lakes and Streams

A permit is required for activities that occur within or over an inland lake or stream or below the Ordinary High Water Mark (OHWM) of an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond or impoundment 5 acres or greater, or a river, stream or creek (including county drains) that have a definite bank, bed, and visible evidence of continued flow or occurrence of water.

EXAMPLE: Installation of a seawall on a lake, river, channel, or stream; installation of a culvert within a stream or drain; dredging of a lake or stream below the high water mark; excavation of a pond within 500 feet of an inland lake or stream.

2. Part 303, Wetlands Protection

A permit is required for activities within wetlands. A wetland is a land characterized by the presence of water at a frequency and duration sufficient to support-and that under normal circumstances does support-wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. Typically a regulated wetland in Michigan is one contiguous to the Great Lakes or inland lake or stream; or an area of 5 acres or more in size. See Chapter 3 for additional information about Part 303, Wetland Protection.

EXAMPLE: Placement of fill in a wetland area for a driveway; placement of fill in a wetland for the construction of a building; installation of utilities through wetlands; drain surface water from wetlands.

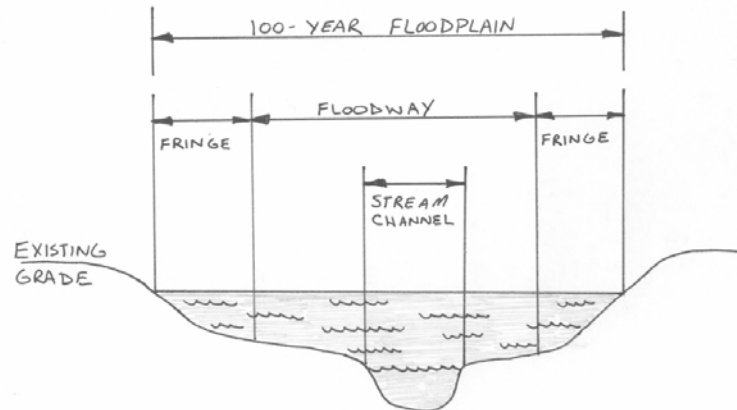
3. Part 325, Great Lakes Submerged Lands

A permit is required for activities that occur below the OHWM of the Great Lakes and all upland channels extending landward of the OHWM of the Great Lakes, and for activities in the water when water levels are above the OHWM. The Great Lakes include Lake Michigan, Lake Superior, Lake Huron, Lake St. Clair, and Lake Erie.

EXAMPLE: Installation of spring piles or pile clusters, installation of a seawall, permanent boat hoists, groin, and placement of fill.

4. Part 31, Water Resources Protection (Floodplain Regulatory Authority)

A permit is required for activities within the 100-year floodplain and floodway of a river, stream, drain, or inland lake. The regulation also applies to a watershed that has a drainage area of 2 square miles or greater, when measured at the downstream limits of a proposed project. See Chapter 3 for additional information about Part 31, Flood Hazard Management, and National Flood Insurance Program.



Floodplain Demarcation

EXAMPLE: Construction of buildings or structures within the 100-year floodplain; construction of a bridge or culvert within a waterbody with a drainage area greater than 2 square miles; construction of parking lots within the 100-year floodplain; storage of materials in the floodplain; construction of fences within the 100-year floodplain, placement of fill in floodway.

5. Part 353, Sand Dune Protection and Management

Designated Critical Dune Areas (CDA)-A permit is required for proposed construction activities in designated critical dune areas. CDAs are identified by the MDEQ and mapped in the "Atlas of Critical Dune Areas". See Chapter 3 for additional information about Part 353. For information on CDA boundaries contact the local land use or building code official or LWMD. The property Tax Identification Number will help locate the site and determine if the area is within a CDA or not.

EXAMPLE: Additions to existing buildings within a CDA, septic tank construction and/or replacement within a CDA, contour changes (grading) within a CDA.

6. Part 323, Shorelands Protection and Management

Designated Environmental Areas - A permit is required for any activities within a designated environmental area. An environmental area is an area of the shoreland determined to be necessary, by the MDEQ, for the preservation and maintenance of fish and wildlife. A list of counties that have environmental areas is located in Appendix D or to determine if the project is located within an environmental area, contact the LWMD. See Chapter 3 for additional information on Environmental Areas.

Designated High Risk Erosion Areas (HREA) – A permit is required to erect, install, move, or enlarge a building or septic system on a parcel of land where any portion is in a designated HREA. Setback requirements are established for potential 30 year and 60 year erosion zones. For information on HREA boundaries contact the local equalization office or contact the LWMD. The property's Tax Identification helps locate the project and determine if the area is within a HREA or not. A detailed description of what activities require permits is located in Appendix D. See Chapter 3 for additional information on Part 323 and HREA.

EXAMPLE: New buildings within a HREA; construction of a porch within a HREA; construction of a subdivision or siting condominiums in a HREA.

Note: *Except for high risk erosion areas under Part 323, there are no setback requirements in the regulatory Parts administered by LWMD.*

7. Part 315, Dam Safety

Permits are required for all activities on dams, berms, and dikes with a height of 6 feet or more and that have impoundments with a surface area of 5 acres or more at the design flood elevation. See Chapter 3 for additional information on Part 315.

EXAMPLE: Construction of a new dam; placement of riprap or fill to repair portions of an existing dam; modifications to a water control structure of an existing dam.

8. Part 91, Soil Erosion and Sedimentation Control

Many activities that require a JPA from the MDEQ may also require a Soil Erosion and Sedimentation Control (SESC) permit. The SESC is a separate permit program and requires a different application from the local regulating authority. Permits are required for all earth change activities which disturb one or more acres of land, or if the earth change is within 500 feet of a lake or stream. Permits are issued locally unless multiple counties are involved. If the project extends across more than one county, the permit is issued by the MDEQ Water Division (WD). A list of the local agencies issuing Part 91 permits can be found on-line at www.deq.state.mi.us/sesca. Under certain circumstances, a state construction storm water permit from the MDEQ, WD will also be required, under the requirements of Rule 2190 (pursuant to Part 31). Contact the local MDEQ District office to speak with someone in the MDEQ

WD regarding the potential need for a state permit. For additional information on Part 91, contact Dick Mikula at 517-335-3178, or mikular@michigan.gov.

Federal Regulations

Activities in or near certain waterbodies or wetlands, may also require a permit from the USACE. Some activities may require further review by the United States Environmental Protection Agency (USEPA) and US Fish and Wildlife Service (USFWS). The MDEQ/USACE JPA is used both by the MDEQ and by the USACE to ensure consistency and make review more efficient. The regulatory authorities and responsibilities of the USACE, USEPA, and USFW are based on the federal laws listed below. This information is also listed in Appendix D, under “Federal Authority”.

- **Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)** prohibits the obstruction or alteration of navigable waters of the United States without a permit from the USACE. Navigable waters associated with Michigan include the Great Lakes, their tributaries, and associated wetlands. See Appendix I for a listing of Michigan Section 10 waters.

Federal Jurisdiction over navigable waters of the United States extends laterally to the entire water surface and bed to the OHWM, including shallows and inundated areas. Some navigable rivers may have major falls or rapids or other places where there is a marked decrease in the navigable capacity of a river. Navigable waters of the United States that are lakes have no such “head of navigation” and, as with rivers, all shallows and inundated areas waterward of the OHWM are regulated. In tributaries entering navigable lakes or the navigable reaches of rivers, the USACE regulation runs up these tributaries to wherever the OHWM elevation of the navigable lake or river extends. Navigable waters of the United States thus include portions of these tributaries. Case-by-case field verification may be required.

- **Section 404 of the Clean Water Act (33 U.S.C. 1344)** prohibits the discharge of dredged or fill material into all waters of the United States, including adjacent wetlands, without a permit. The State of Michigan has assumed from the USEPA, the authority to regulate the placement of fill material in waterways and wetlands under provisions of Section 404 g (1) of the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.), except in areas where the USACE retains jurisdiction. The discharge of any fill materials must comply with state water quality standards consistent with Sections 301, 307, and 401 of the Clean Water Act. See Chapter 3 for a discussion of applications requiring a Section 404 review (Red Files) by federal agencies.

To help reduce the process time for applications that fall under both state and federal authority, copies of the application can be submitted to the MDEQ and the USACE at the same time. Include a cover letter with these submittals stating that the application has been submitted to both agencies, to eliminate duplication of records. For questions regarding USACE jurisdiction or USACE permit review, see the USACE field office map in Appendix H for the appropriate contact address and phone number.

The USACE website can be reached at www.lre.usace.army.mil.

Where to get an application

The MDEQ/USACE JPA website can now be directly reached on-line at www.michigan.gov/jointpermit.

MDEQ/USACE Joint Permit Application - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.michigan.gov/deq/0,1607,7-135-3307_29692_24403---,00.html

DEQ Department of Environmental Quality **Michigan.gov** An Official State of Michigan Web Site

Michigan.gov Home DEQ Home | Online Services | Permits | Programs | Site Map | Contact DEQ

Search GO Advanced Search

key topics

- Clean Michigan Initiative
- Community Right to Know
- Compliance Assistance
- Environmental Education
- Environmental Emergencies
- Environmental Incentives
- Forms
- Environmental Reports
- Grants and Loans
- Laboratory Services
- Laws & Rules
- Maps & Data
- Permits

MDEQ/USACE Joint Permit Application

The MDEQ/USACE "Joint Permit Application" (JPA) package covers permit requirements pursuant to state and federal rules and regulations for construction activities where the land meets the water and including wetlands, often referred to as the land/water interface. It is intended to prevent duplication of state and federal regulations. The application covers activities on or for:

- Wetlands
- Inland Lakes and Streams
- Floodplains
- Great Lakes Bottom Lands
- Marinas
- Critical Dunes
- Dams
- High Risk Erosion Areas

The status of applications processed by the MDEQ/LWMD, as well as current Public Notice and Hearing Notices, can be searched and viewed on the [Coastal and Inland Waters Permit Information System \(CIWPIS On-line\)](#).

This page can be accessed as www.michigan.gov/jointpermit.

Information

- [Downloadable Application](#)
- [Application Appendices, revised 12/15/2005](#)
- [Fees](#)
- [Revised Sand Dune Fees, effective 4/26/2005](#)
- [Applicable Regulations](#)
- [Application EZ Guides](#)
- [Land/Water Maps, Forms and Documents](#)
- [Who To Contact](#)

Downloadable Application - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.michigan.gov/deq/0,1607,7-135-3307_29692_24403-67347---,00.html

DEQ Department of Environmental Quality **Michigan.gov** An Official State of Michigan Web Site

Michigan.gov Home DEQ Home | Online Services | Permits | Programs | Site Map | Contact DEQ

Search GO Advanced Search

key topics

- Clean Michigan Initiative
- Community Right to Know
- Compliance Assistance
- Environmental Education
- Environmental Emergencies
- Environmental Incentives
- Forms
- Environmental Reports
- Grants and Loans
- Laboratory Services
- Laws & Rules
- Maps & Data
- Permits

MDEQ/USACE Joint Permit Application

Downloadable Application

Contact: [Permit Consolidation Unit](#) (517) 373-9244

Joint Permit Application with explanatory information

- [PDF format - for hand-written applications](#) revised 4/12/2005 (120 KB)
- [PDF format - fill-in form](#), revised 4/12/2005 (900 KB)

Adobe Reader or Acrobat Version 5 or higher is required to open either document. The latest version of Adobe Reader is available free from [Adobe](#). You may not be able to scroll through the PDF document until it is completely downloaded. If the form cannot be saved after it opens, right click on the link and select "Save Target As..." When printing this form, uncheck "Shrink oversized pages to paper size" (Adobe Reader Version 5) or select Paper Scaling: None (Adobe Reader Version 5) in the Print dialogue box so that the application prints at the correct size.

Form fields in the fill-in form can be displayed by checking the "Show background and hover color for form fields" check box under Edit, Preferences, Forms. You will not be able to save information you enter in the form fields unless you have Adobe Acrobat.

- [Word format - fill-in form](#), revised 6/27/2005 (620 KB)

Revised 6/27/2005 to eliminate the need to open the file as "Read Only" and to use "Save As" to save changes.

Related Content

- [Summary of Correction Request/Withdrawal/Closure Policy](#) (11/15/2005) [PDF](#)
- [Simplified Application Instructions](#) (72 Kb) [PDF](#)
- [Application EZ Guides](#)
- [Revised Sand Dune Fees, effective 4/26/2005](#) [PDF](#)
- [Do I Need a Land/Water Permit?](#) (150 KB PDF) [PDF](#)
- [Land meets Water article](#) (4/12/2004) [PDF](#)
- [Application Appendices, revised 12/15/2005](#)
- [Joint Permit Application Training Manual](#)
- [Fees](#)
- [Applicable Regulations](#)
- [Land/Water Maps, Forms and Documents](#)
- [Who To Contact](#)

The downloadable application, and the associated application appendices can be found under the “Information” heading in the middle of the page. By clicking on “Downloadable Application” three options are available. Click on “Joint Permit Application,” for a form to print out and fill in by hand. The application can also be filled in on the computer before printing by using the Word format or PDF format. This allows all filled in information to show up in “red” italics. It also helps the MDEQ and USACE quickly identify these areas when reviewing the permit application.

The complete JPA packet includes a cover page that provides instructions, the application form, and Appendices A through F: Acronyms and Abbreviations; General Instructions for All Drawings and Sample Drawings; State Fees, Federal Fees, Minor Project Categories, and General Permit Categories for Minor Projects; State Authority, Federal Authority, Privacy Act Statement, State and Federal Penalties; Glossary; and Joint Permit Application Withdrawal Procedure.

Review all Appendices before completing an application.

MDEQ JPA Review Process

The JPA Review Process flow chart provides a general overview of the application review process and time frames. This flow chart is an approximation and actual processing times may be longer for applications received during the construction season (typically from March through September) or those lacking information or clarity. It is recommended, when possible, that applications be submitted in late fall or early winter if construction is proposed to begin in the spring.

Following PCU’s review of the application for administrative completeness, the application file is forwarded to a designated field representative for a site inspection, and decision to issue or deny the permit.

Joint Permit Application Review Process by MDEQ

